

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

STEPHANIE M. HINDS (CSBN 154284)  
Assistant United States Attorney

450 Golden Gate Avenue  
San Francisco, California 94102-3495  
Telephone: (415) 436-6816  
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

1) \$1,774.65 IN WELLS FARGO  
ACCOUNT XXXXXX4687;

2) \$4,906.28 IN BANK OF AMERICA  
ACCOUNT XXXXXX1479;

3) \$18,944.75 IN E\*TRADE FINANCIAL  
ACCOUNT XXX-22920;

4) 1998 SUZUKI SIDEKICK, VIN  
JS3TD21V8W4100132, CALIFORNIA  
LICENSE 4YYF388; AND

5) MISCELLANEOUS FIREARMS AND  
AMMUNITION,

Defendants.

AYSA DONG,

Claimant.

No. CV 08-0496 JF

SETTLEMENT STIPULATION AND  
[PROPOSED] ORDER OF FORFEITURE

1 In full settlement of all claims and disputes arising from and related to the captioned  
 2 forfeiture action, plaintiff United States of America, and claimant Aysa Dong, hereby stipulate  
 3 and agree as follows:

4 1. On January 23, 2003, plaintiff commenced a civil action seeking forfeiture of the  
 5 following defendant properties;

- 6 A. \$1,774.65 in Wells Fargo Account XXXXXX4687
- 7 B. \$4,906.28 in Bank of America Account XXXXXX1479
- 8 C. \$18,944.75 in E\*Trade Financial Account XXX-22920
- 9 D. 1998 Suzuki Sidekick, VIN JS3TD21V8W4100132
- 10 E. Miscellaneous Firearms and Ammunition ("hereinafter defendant  
 11 property")

12 2. Aysa Dong is the sole claimant to the defendant property A-D. No claims were  
 13 filed to defendant property E.

14 3. Claimant Aysa Dong admits that sufficient evidence exists to establish the  
 15 forfeiture of \$18,944.75 in E\*Trade Financial Account XXX-22920 and the Miscellaneous  
 16 Firearms and Ammunition, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv).  
 17 Aysa Dong further relinquishes all right, title and interest in said \$18,944.75 in E\*Trade  
 18 Financial Account XXX-22920 and the Miscellaneous Firearms and Ammunition, and agrees  
 19 that said funds and firearms and ammunition shall be forfeited to the United States and disposed  
 20 of according to law by the appropriate designated agency without further notice to her

21 4. The remaining funds namely \$1,774.65 in Wells Fargo Account XXXXXX4687  
 22 (plus any and all interest) and \$4,906.28 in Bank of America Account XXXXXX1479 (plus any  
 23 and all interest) and the 1998 Suzuki Sidekick shall be returned to Claimant Aysa Dong, in care  
 24 of ~~her attorney~~ Nicholas Humy, whose business address is 160 West Santa Clara Street, Suite  
 25 575, San Jose, CA 95113, telephone number (408) 291-7753. Such payment shall be in full  
 26 settlement and satisfaction of any and all claims by claimant Aysa Dong, her heirs,  
 27 representatives and assignees to the defendant property indirectly or directly related to this action.

28 5. Claimant Aysa Dong, her heirs, representatives and assignees, shall hold harmless the

1 United States, any and all agents, officers, representatives and employees of same, including all  
2 federal and local enforcement officers, for any and all acts directly or indirectly related to the  
3 seizure, detention and forfeiture of the defendant property.

4 6. Each party shall pay its own attorney fees and costs.

5 DATED: 8/24/09

JOSEPH P. RUSSONIELLO  
United States Attorney

7  
8 STEPHANIE M. HINDS  
Assistant United States Attorney

9  
10 ~~DATED:~~

NICHOLAS HUMY  
Attorney for Claimant Aysa Dong

11  
12 DATED: 08/7/09

13 AYSA DONG  
Claimant

1  
2  
3 **FINAL ORDER OF FORFEITURE**

4 Based upon the above stipulation, all pleadings filed herein, the Court hereby finds that  
5 sufficient evidence exists to establish forfeiture of the \$18,944.75 in E\*Trade Financial Account  
6 XXX-22920 and the Miscellaneous Firearms and Ammunition as alleged in the Complaint for  
7 Forfeiture.

8 Accordingly, IT IS HEREBY ORDERED that \$18,944.75 in E\*Trade Financial Account  
9 XXX-22920 and the Miscellaneous Firearms and Ammunition shall be, and hereby are, forfeited  
10 pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv) without further notice to  
11 Claimant Aysa Dong. All right, title and interest in said defendant funds and firearms and  
12 ammunition are hereby vested in the United States of America.

13 IT IS FURTHER ORDERED that the remaining funds namely \$1,774.65 in Wells Fargo  
14 Account XXXXXX4687 (plus any and all interest) and \$4,906.28 in Bank of America Account  
15 XXXXXX1479 (plus any and all interest) and the 1998 Suzuki Sidekick shall be returned to  
16 Claimant Aysa Dong, in care of ~~her attorney~~ Nicholas Humy, whose business address is 160  
17 West Santa Clara Street, Suite 575, San Jose, CA 95113, telephone number (408) 291-7753.  
18 Such payment shall be in full settlement and satisfaction of any and all claims by claimant Aysa  
19 Dong, her heirs, representatives and assignees to the defendant property indirectly or directly  
20 related to this action.

21 IT IS FURTHER ORDERED that claimant Aysa Dong, her heirs, representatives and  
22 assignees, shall hold harmless the United States, any and all agents, officers, representatives and  
23 employees of same, including all federal and local enforcement officers, for any and all acts  
24 directly or indirectly related to the seizure, detention and forfeiture of the defendant property.

25 IT IS FURTHER ORDERED that each party bear its own costs and attorneys fees.

26 IT IS FURTHER ORDERED that the United States, through the appropriate designated  
27 agency, shall dispose of the forfeited property according to law.

28 IT IS SO ORDERED.



JEREMY FOGEL  
United States District Judge

DATED: 8/26/09

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of SETTLEMENT STIPULATION AND [PROPOSED] ORDER OF FORFEITURE to be served this date by U. S. first class mail delivery upon the person below at the place and address which is the last known address:

*Aysa Dong*  
*c/o*

Nicholas P. Humy, Esq  
Assistant Federal Public Defender  
160 West Santa Clara Street, Suite 575  
San Jose, CA 95113

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25<sup>th</sup> <sup>August</sup> day of ~~May~~, 2009 at San Francisco, California.

*Carolyn Jusay*  
CAROLYN JUSAY  
Legal Assistant  
Asset Forfeiture Unit